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Bord  
Pleanála

## Inspector's Report ABP-305297-19

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<b>Development</b>	Agricultural entrance
<b>Location</b>	Old Kildimo, Kildimo, County Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	19/393
<b>Applicant(s)</b>	Donal Neville
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Antoinette Dwyer
<b>Date of Site Inspection</b>	26 <sup>th</sup> November, 2019
<b>Inspector</b>	KEVIN MOORE

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located in a rural area within the townland of Old Kildimo approximately 2km south of the village of Kildimo in County Limerick. It comprises agricultural land. The site has frontage on Local Road L1423, a road linking the N69 at Kildimo village with the N21 at Adare. The frontage has been removed in recent times. There is extensive ribbon development in the immediate vicinity. The appellant resides in a single storey house to the north of the site.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the provision of an agricultural entrance onto the public road at Old Kildimo. The splayed entrance and gate would be flanked by concrete post and rail fencing that would be backplanted with native hedging.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 8<sup>th</sup> August, 2019, Limerick City & County Council decided to grant permission for the proposed development subject to 5 no. conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted submissions received. A recommendation seeking further information was recommended relating to sightlines, requesting a letter of consent from the relevant utility provider allowing for the setting back of utility poles on the roadside boundary, and seeking a response to a third party submission.

### **3.3. Prescribed Bodies**

The Office of Public Works requested a five metre wide strip be retained along an existing channel for the purposes of maintaining it and requested the planning authority to be satisfied in relation to flood risk.

### 3.4. **Third Party Observations**

An objection to the proposal was received from Antoinette Dwyer. The grounds of the appeal reflect the principal planning concerns raised.

Following the receipt of further information, the Planner considered there were no outstanding issues and recommended that permission be granted subject to conditions.

### 4.0 **Planning History**

I have no record of any planning application or appeal relating to the site.

### 5.0 **Policy Context**

#### 5.1. **Limerick County Development Plan**

##### Development Management Standards

##### **Development requiring access to public roads (Section 10.11.1)**

The potential impact of any development on the public road network is an important consideration of the Planning authority when assessing a planning application for development. All applications for development involving access onto the public road network or the intensification of the use of an existing access will be assessed having regard to:

1) Relevant national standards and guidelines:

- a) National Roads Authority NRA: Design Manual for Roads and Bridges January 2009 Road Geometry Handbook.
- b) Department of Transport (DoT), Dublin Transport Office (DTO), and DEHLG: Traffic Management Guidelines 2003.

2) The following considerations:

- a) Classification of the public road.
- b) Speed limit which applies to the road.
- c) Width and carrying capacity of the road.
- d) Condition of the road surface.
- e) Drainage requirements of the road.
- f) Nature, scale and layout of the development.
- g) Volume and nature of traffic likely to be generated by the development.
- h) Design of the access and sightline visibility.
- i) Vertical and horizontal alignment.
- j) Number of access points in the vicinity.
- k) Junctions in the vicinity.
- l) Level of parking required and provision of on-site parking.
- m) Lighting and advertising matter associated with the development.
- n) Footpath and public lighting requirements.

## 5.2. **Appropriate Assessment**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

### 5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant resides immediately to the north of the location for the proposed entrance. The grounds of the appeal may be summarised as follows:

- If the recess is installed as proposed it will impact greatly on the appellant's privacy. There is concern relating to large machinery and large vehicles parking at this location, including vibration and noise.
- The original site entrance was removed and the stone walls are to be replaced by cement uprights. It is queried why the farmer was allowed to remove a boundary on a busy road without planning permission.
- The removal of the boundary has allowed traffic to increase speeds at this location and sightlines are poor.
- There is no need to move the utility poles as they do not interfere with sightlines. If they are moved back electricity wires would travel across the appellant's front garden.

### 6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- Before the roadside boundary was removed this section of road was extremely dangerous when entering and exiting the landholding due to the boundary and entrance gate being at the road edge. This section of road has limited sight distance to the north. To open the gate the applicant had to park on the roadside which was extremely dangerous for the applicant and other road users.

- The previous boundary was of sod, stone and scrub with a narrow gate entrance. It had never been upgraded and was not in keeping with adjoining boundary walls and entrances and it projected beyond adjoining boundaries.
- The applicant was unaware that he would have to make a planning application to carry out the construction of a new entrance until he was instructed to do so.
- The boundary and entrance will be standard concrete posts and rail complete with low level sod bank planted with native hedging and will be in line with neighbouring boundaries. It will have a new standard splayed entrance to accommodate machinery and vehicles to pull off the roadside.
- The utility pole to be set back is a new pole at the south side of the proposed entrance and the service provider has agreed to relocate it if necessary.
- The proposed development would accommodate the requirements of OPW.

### **6.3. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## **7.0 Assessment**

- 7.1. The site of the proposed development is located on the east side of a narrow local road. The road frontage previously comprised a sod bank and scrub planting that was located close to the road edge. There was an agricultural gate into the land. This frontage and gate has now been removed. The proposed replacement seeks to provide a splayed entrance and a road frontage set back, comprising concrete post and rail that would be backplanted with native hedging. I note that there is extensive ribbon development in the immediate vicinity of this site, with newer houses having concrete block walls set back along their frontages. Some of the older houses, including the appellant's property, have low natural stone walls and sod banks along their frontages.
- 7.2. I first note that the appellant has asked why the farmer was allowed to remove a boundary on a busy road without planning permission. While the applicant has

submitted that he did not know permission was required for this development, it is pertinent to note that the application now forms part of the planning process and the appellant has not been restricted in making submissions both to the planning authority and the Board.

- 7.3. It is my submission to the Board that the proposed development would undoubtedly provide a safer entrance into the land than that which previously existed. This is based upon the narrowness of the local road, the previous access being close to the public road edge inhibiting safe turning movements, and the nature of agricultural machinery that would be required to access the agricultural lands. From a road safety perspective, the proposed development would be a significant improvement. This improvement could not reasonably be viewed as encouraging greater speed by road users at this location.
- 7.4. Regarding impacts on residential amenity and impacts on the appellant in particular, I note that this is a rural area where the principal established land use and activity is agriculture, of which forestry is a substantial component at this location. Vehicular access is essential to serve the landholding to allow for ongoing agricultural and forestry use of the lands. While activities associated with forestry and agriculture would necessitate the use of large machinery and vehicles at times, this would first be construed as part and parcel of the activity. Further to this, these operations would not result in ongoing, continuous entry and exit at this point of access, albeit that there may be periods when it is busier, such as at felling, stockpiling for transportation, etc. I do not accept that these agricultural activities in this rural location would cause any significant impact on the amenities of residents at this location. The periodic movement of vehicles into and out of this land should not result in any loss of privacy or any prolonged adverse impact by way of noise or vibration.
- 7.5. To enter and exit this landholding safely on this narrow local road to serve the agricultural and forestry uses, there is a necessity for an entrance of appropriate dimensions that would function in a manner that would not inhibit vehicular movement along the public road when access is taking place. The proposed development would greatly improve the access arrangements and the set back of fencing flanking the entrance is appropriate. The proposed development would be an

agricultural entrance and does not demand any more elaborate frontage than that which is proposed.

- 7.6. With regard to the existing utility pole to the south of the proposed entrance, the service provider has agreed to relocate this if it is required. In the event this is needed, the service provider will undoubtedly carry out the changes in accordance with its established protocols.
- 7.7. Finally, I note the requirements of OPW. There is a tributary of the River Maigue to the south of the proposed new frontage. I acknowledge that the applicant has no difficulty in complying with the requirements.

## 8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

## 9.0 Reasons and Considerations

Having regard to the layout and function of the proposed development and the established nature of the agricultural land use, it is considered that the proposed development would improve vehicular access into the lands, it would not adversely impact on the residential amenities of the area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 16<sup>th</sup> July, 2019, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.



2. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. A five metre wide strip of land shall be retained for ongoing access and maintenance along the channel to the south of the proposed frontage. The strip shall be accessible to mechanical plant and shall not be landscaped, paved or otherwise developed in a manner that would prevent access to the channel.

**Reason:** In the interest of flood prevention and orderly development.

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Kevin Moore

Senior Planning Inspector

29<sup>th</sup> November, 2019